



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1399

by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18a-300

from Ch. 95 1/2, par. 18a-300

Amends the Illinois Commercial Relocation of Trespassing Vehicles Law of the Illinois Vehicle Code. Makes it unlawful for a commercial vehicle relocater to remove a trespassing vehicle from private property without notifying the law enforcement authorities in the jurisdiction where the vehicle is located prior to removal of the vehicle (rather than within one hour of the vehicle's removal). A violation is a Class C misdemeanor, a civil penalty of not less than \$100 nor more than \$1,000 may also be imposed, and the relocater's license may be subject to suspension or revocation.

LRB099 00148 MRW 20148 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 18a-300 as follows:

6 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

7 Sec. 18a-300. Commercial vehicle relocators - Unlawful
8 practices. It shall be unlawful for any commercial vehicle
9 relocator:

10 (1) To operate in any county in which this Chapter is
11 applicable without a valid, current relocator's license as
12 provided in Article IV of this Chapter;

13 (2) To employ as an operator, or otherwise so use the
14 services of, any person who does not have at the
15 commencement of employment or service, or at any time
16 during the course of employment or service, a valid,
17 current operator's employment permit, or temporary
18 operator's employment permit issued in accordance with
19 Sections 18a-403 or 18a-405 of this Chapter; or to fail to
20 notify the Commission, in writing, of any known criminal
21 conviction of any employee occurring at any time before or
22 during the course of employment or service;

23 (3) To employ as a dispatcher, or otherwise so use the

1 services of, any person who does not have at the
2 commencement of employment or service, or at any time
3 during the course of employment or service, a valid,
4 current dispatcher's or operator's employment permit or
5 temporary dispatcher's or operator's employment permit
6 issued in accordance with Sections 18a-403 or 18a-407 of
7 this Chapter; or to fail to notify the Commission, in
8 writing, of any known criminal conviction of any employee
9 occurring at any time before or during the course of
10 employment or service;

11 (4) To operate upon the highways of this State any
12 vehicle used in connection with any commercial vehicle
13 relocation service unless:

14 (A) There is painted or firmly affixed to the
15 vehicle on both sides of the vehicle in a color or
16 colors vividly contrasting to the color of the vehicle
17 the name, address and telephone number of the
18 relocater. The Commission shall prescribe reasonable
19 rules and regulations pertaining to insignia to be
20 painted or firmly affixed to vehicles and shall waive
21 the requirements of the address on any vehicle in cases
22 where the operator of a vehicle has painted or
23 otherwise firmly affixed to the vehicle a seal or trade
24 mark that clearly identifies the operator of the
25 vehicle; and

26 (B) There is carried in the power unit of the

1 vehicle a certified copy of the currently effective
2 relocater's license and operator's employment permit.
3 Copies may be photographed, photocopied, or reproduced
4 or printed by any other legible and durable process.
5 Any person guilty of not causing to be displayed a copy
6 of his relocater's license and operator's employment
7 permit may in any hearing concerning the violation be
8 excused from the payment of the penalty hereinafter
9 provided upon a showing that the license was issued by
10 the Commission, but was subsequently lost or
11 destroyed;

12 (5) To operate upon the highways of this State any
13 vehicle used in connection with any commercial vehicle
14 relocation service that bears the name or address and
15 telephone number of any person or entity other than the
16 relocater by which it is owned or to which it is leased;

17 (6) To advertise in any newspaper, book, list,
18 classified directory or other publication unless there is
19 contained in the advertisement the license number of the
20 relocater;

21 (7) To remove any vehicle from private property without
22 having first obtained the written authorization of the
23 property owner or other person in lawful possession or
24 control of the property, his authorized agent, or an
25 authorized law enforcement officer. The authorization may
26 be on a contractual basis covering a period of time or

1 limited to a specific removal;

2 (8) To charge the private property owner, who requested
3 that an unauthorized vehicle be removed from his property,
4 with the costs of removing the vehicle contrary to any
5 terms that may be a part of the contract between the
6 property owner and the commercial relocater. Nothing in
7 this paragraph shall prevent a relocater from assessing,
8 collecting, or receiving from the property owner, lessee,
9 or their agents any fee prescribed by the Commission;

10 (9) To remove a vehicle when the owner or operator of
11 the vehicle is present or arrives at the vehicle location
12 at any time prior to the completion of removal, and is
13 willing and able to remove the vehicle immediately;

14 (10) To remove any vehicle from property on which signs
15 are required and on which there are not posted appropriate
16 signs under Section 18a-302;

17 (11) To fail to notify law enforcement authorities in
18 the jurisdiction in which the trespassing vehicle is
19 located prior to removal of the vehicle ~~was removed within~~
20 ~~one hour of the removal~~. Notification shall include a
21 complete description of the vehicle, registration numbers
22 if possible, the location from which the vehicle is to be
23 ~~locations from which and to which the vehicle was~~ removed,
24 the location to which the vehicle will be relocated, the
25 expected time of removal, and any other information
26 required by regulation, statute, or ordinance;

1 (12) To impose any charge other than in accordance with
2 the rates set by the Commission as provided in paragraph
3 (6) of Section 18a-200 of this Chapter;

4 (13) To fail, in the office or location at which
5 relocated vehicles are routinely returned to their owners,
6 to prominently post the name, address and telephone number
7 of the nearest office of the Commission to which inquiries
8 or complaints may be sent;

9 (13.1) To fail to distribute to each owner or operator
10 of a relocated vehicle, in written form as prescribed by
11 Commission rule or regulation, the relevant statutes,
12 regulations and ordinances governing commercial vehicle
13 relocators, including, in at least 12 point boldface type,
14 the name, address and telephone number of the nearest
15 office of the Commission to which inquiries or complaints
16 may be sent;

17 (13.2) To fail, in the office or location at which
18 relocated vehicles are routinely returned to their owners,
19 to ensure that the relocater's representative provides
20 suitable evidence of his or her identity to the owners of
21 relocated vehicles upon request;

22 (14) To remove any vehicle, otherwise in accordance
23 with this Chapter, more than 15 air miles from its location
24 when towed from a location in an unincorporated area of a
25 county or more than 10 air miles from its location when
26 towed from any other location;

1 (15) To fail to make a telephone number available to
2 the police department of any municipality in which a
3 relocator operates at which the relocator or an employee of
4 the relocator may be contacted at any time during the hours
5 in which the relocator is engaged in the towing of
6 vehicles, or advertised as engaged in the towing of
7 vehicles, for the purpose of effectuating the release of a
8 towed vehicle; or to fail to include the telephone number
9 in any advertisement of the relocator's services published
10 or otherwise appearing on or after the effective date of
11 this amendatory Act; or to fail to have an employee
12 available at any time on the premises owned or controlled
13 by the relocator for the purposes of arranging for the
14 immediate release of the vehicle.

15 Apart from any other penalty or liability authorized
16 under this Act, if after a reasonable effort, the owner of
17 the vehicle is unable to make telephone contact with the
18 relocator for a period of one hour from his initial attempt
19 during any time period in which the relocator is required
20 to respond at the number, all fees for towing, storage, or
21 otherwise are to be waived. Proof of 3 attempted phone
22 calls to the number provided to the police department by an
23 officer or employee of the department on behalf of the
24 vehicle owner within the space of one hour, at least 2 of
25 which are separated by 45 minutes, shall be deemed
26 sufficient proof of the owner's reasonable effort to make

1 contact with the vehicle relocater. Failure of the
2 relocater to respond to the phone calls is not a criminal
3 violation of this Chapter;

4 (16) To use equipment which the relocater does not own,
5 except in compliance with Section 18a-306 of this Chapter
6 and Commission regulations. No equipment can be leased to
7 more than one relocater at any time. Equipment leases shall
8 be filed with the Commission. If equipment is leased to one
9 relocater, it cannot thereafter be leased to another
10 relocater until a written cancellation of lease is properly
11 filed with the Commission;

12 (17) To use drivers or other personnel who are not
13 employees or contractors of the relocater;

14 (18) To fail to refund any amount charged in excess of
15 the reasonable rate established by the Commission;

16 (19) To violate any other provision of this Chapter, or
17 of Commission regulations or orders adopted under this
18 Chapter.

19 (Source: P.A. 94-650, eff. 1-1-06.)